

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THRIVEST SPECIALTY FUNDING, LLC	:	
	:	
v.	:	Civil Action No. 2:18-CV-1877
	:	
WILLIAM E. WHITE	:	

**THRIVEST’S REPLY IN SUPPORT OF ITS
EMERGENCY MOTION FOR CONTEMPT**

Thrivest Specialty Funding, LLC (“Thrivest”) submits this reply in support of its Emergency Motion for Contempt (Dkt. 26) and in response to the Opposition (Dkt. 27) filed by Respondent William White (“White”).

ARGUMENT

White concedes that he has not complied with the Court’s July 1, 2019 Order confirming the Emergency Arbitrator’s Interim Award of Emergency Relief. He offers no reason why he should not be held in contempt, except his unsupported assertion that compliance is “not possible.” White submits no evidence to support his conclusory assertion—which must be questioned in view of his recent receipt of a \$3.5 million award in the NFL Concussion Litigation (on top of the \$500,000 advance he received from Thrivest in December 2016). White also threatens an appeal, but that would not stay enforcement of the Court’s Order and, in any event, he has not yet appealed.

White’s negative portrayal of Thrivest ignores the \$500,000 advance that Thrivest paid to help him with his financial needs long before he was able to access the benefits of the NFL Concussion Settlement. White also ignores that, with respect to his obligations to Thrivest, his current situation is largely of his own making. White concedes that he owes at least the principal amount to Thrivest but, to date, he refuses to pay even that amount. The outstanding principal is, by far, the largest driver of his ever-increasing obligations to Thrivest. Largely because of

White's refusal to pay even that undisputed obligation, he continues to incur substantial additional financial obligations under the parties' Agreement. Along with the expenses associated with continued legal proceedings, this necessitates the \$1.25 million escrow. To be clear, that escrow is not a determination on the merits, but merely a setting aside of disputed funds to ensure that they are available once the arbitration is resolved.

Thrivest respectfully requests that the Court schedule a prompt hearing on its pending Motion for Contempt. In response to White's unsupported assertion that compliance with the Court's Order is "not possible," Thrivest requests expedited discovery in advance of that hearing with respect to White's current financial circumstances and his disposition, if any, of distributions from the Claims Administrator. To facilitate scheduling of the hearing and efficient resolution of any objection to the requested discovery, Thrivest requests a brief telephone conference with the Court and all parties.

Respectfully submitted,

/s/ Peter C. Buckley, Esquire

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Dated: July 24, 2019

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CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of July, 2019, I caused the Reply in support of Thrivest's Emergency Motion for Contempt to be filed with the Court via the Court's electronic filing system which provides notice to all counsel of record, including:

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